

### **REMARKS**

Claims 7-10, 11 and 13-30 were pending and under consideration.

In the FINAL Office Action of July 18, 2002, claims 7, 11, 15, 18, 21, 24, 28 and 30 were rejected, but only in view of minor informalities. Claims 10, 14, 16-17, 19-20, 22-23, 25-27 and 29 were objected to.

In response, claims 7, 11, 15, 18, 21, 24, 28 and 30 have been amended.

Claims 7, 11, 15, 18, 21, 24, 28 and 30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 11, 15 and 21 have been amended to recite "M includes at least one 3d transition metal consisting of Sc, Ti, V, Cr, Mn, Fe, Co, Ni, Cu and Zn."

Claims 7, 11, 15 and 21 also have been amended to recite "...a plurality of substances to form a precursor, said substances providing a starting material comprising iron oxalate ( $\text{FeC}_2\text{O}_4$ ), ammonium hydrogen phosphate ( $\text{NH}_4\text{H}_2\text{PO}_4$ ), lithium carbonate ( $\text{Li}_2\text{CO}_3$ ) and iron powder (Fe)." Applicants assert that no new matter has been added. Support for this can be found on page 19 of the specification.

Claims 11 and 21 have been rewritten to include process steps recited for making a battery.

Claims 18 and 24 have been amended to recite "The method for producing a non-aqueous electrolyte secondary battery according to claim 21 wherein said  $\text{Li}_x\text{M}_y\text{PO}_4$  is  $\text{LiFe}_y\text{Mn}_{1-y}\text{PO}_4$ , and y is such that  $0.8 \leq y \leq 1.2$ ." Thus, claims 18 and 24 are no longer indefinite.

Claims 28 and 30 have been amended per the Examiner's suggestion to recite "The method of claim 7, wherein a solvent is introduced along with an inert gas to remove air contained in said oven."

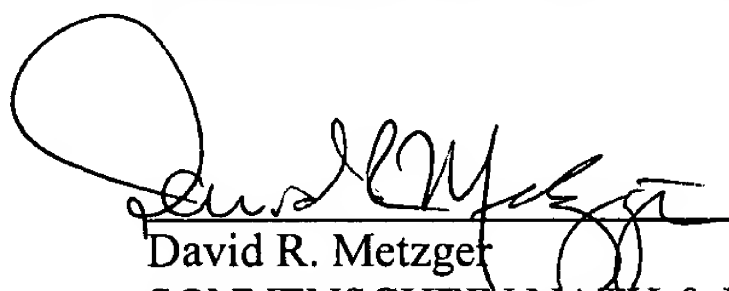
Claims 10, 14, 16-17, 19-20, 22-23, 25-27 and 29 all depend directly from claims 7, 11, 15, 18, 21, 24, 28 and 30 and are therefore allowable for at least the same reason that claims 7, 11, 15, 18, 21, 24, 28 and 30 are allowable.

Applicants respectfully submit this rejection has been overcome and request that it be withdrawn.

In view of the foregoing, it is submitted that the pending claims 7-10 are patentable and that the application is in condition for allowance. Notice to that effect is respectfully requested.


Respectfully submitted,

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